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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,783	01/30/2002	Tony Wei-Sin Chang	02301-URSX	8259

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EXAMINER

BURNHAM, SARAH C

ART UNIT PAPER NUMBER

3636

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,783

Applicant(s)

CHANG, TONY WEI-SIN

Examiner

Sarah C. Burnham

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claim 2 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Specification

2. The disclosure is objected to because of the following informalities: On page 5, line 4, the through channel is referred to as being represented by element number 2008 when in fact Figure 3 shows the through channel as element 2006 and the control button as element 2008. Appropriate correction is requested.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Munn et al. (6,264,271). Munn discloses a foldable chair (10) comprising: a reclining back (15) having a pair of support members (56)(52) and (58)(54); a pair of joint

Art Unit: 3636

assemblies (72)(74) connected to support members (56)(52) and (58)(54) of said reclining back (15), each joint assembly having a through hole (unlabeled) for receiving support members (56)(52) and (58)(54) and a control device (84) for engaging and disengaging with a lower end (87) of support members (56)(52) and (58)(54) in order to control a reclining angle (see Figure 3B) of said reclining back (15); a leg assembly (20)(22)(24)(26) connected to joint assemblies (72)(74); a pair of armrests (21)(23) each connecting a support member (56)(52) and (58)(54) to an extension (19) and (17) of leg assembly (20)(22)(24)(26); wherein said leg assembly (20)(22)(24)(26) has a plurality of individual leg members pivotally connected by pivotal pins (31) and joined together by joint connectors (42)(44)(46)(48), said leg assembly being "fold ably collapsible" (column 3, line 21) and forming a seat support frame (12) when said leg assembly (20)(22)(24)(26) is fully opened (Figure 2).

With regard to claim 7, Munn discloses a pair of rear leg members (22) each having an upper leg (unlabeled) in the form of a bar that is connected to one of joint assemblies (72)(74) by way of joint connectors (42) and (44) and support members (56)(52) and (58)(54). Rear leg members (22) have upper leg members (unlabeled) in the form of bars received in lower leg members (32)(34).

With regard to claim 8, Munn discloses a pair of straps (unlabeled) extending backwardly from armrests (21)(23) to reclining back (15) as best depicted in Figure 1. These straps are clearly adjustable as can be seen by comparing the solid strap and the phantom strap shown in Figure 1.

Art Unit: 3636

Munn further states that removing the downwardly pressing weight on the seat supporting portion (14) (which includes armrests (21)(23) (column 6, lines 66-67) tends to automatically return the reclining back to the upright configuration (column 6, lines 36-39). Therefore, the seat-supporting portion (14), including the armrests (21)(23), inherently has an elasticity which helps bring the reclining back into the upright position.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munn et al. (6,264,271) in view of Han (6,209,951). Munn et al. discloses all claimed elements with the exception of an armrest having an elastic portion substantially hidden in an envelope structure of the armrest.

Han teaches the use of an armrest (5) having an elastic portion (55) that is substantially hidden in an envelope structure (52) of the armrest (5) as best disclosed in Figure 4.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add an elastic component as taught by Han between the armrests (21)(23) and the straps (unlabeled) disclosed by Munn. Such an addition would

improve the comfort of the chair given that the armrests can resilient support the arms of the seat occupant creating a more customized fit.

Allowable Subject Matter

7. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to folding and reclining chairs in general:


- Tang (6,419,311)
- Zheng (6,296,304)
- Tsai (6,149,238)
- Kuo (6,168,553)
- Maclaren (3,124,387)
- Marx (6,547,322)
- Lee (5,984,406)
- Miles (5,797,655)
- Brown (GB 2225715 A)

Art Unit: 3636

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600

SCB
October 15, 2003